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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,409	02/02/2001	Ludwig Hellenthal	HM-396	4073

7590 10/28/2002

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EXAMINER

FORD, JOHN K

ART UNIT	PAPER NUMBER
3743	

DATE MAILED: 10/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/776, 409 Examiner FORD	Hellenthal + Mosher Art Unit 3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of <sup>two</sup>
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- |   |  |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____                                    |

Any prior art that has been cited in any European or Japanese (or any other country) prosecution should be cited at this time. Applicant's Japanese filed application was published October 19, 2001 (filed Feb. 2, 2001). By now prosecution should be underway in those applications.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "symmetrical with respects to rotation" in both the specification and claim 1 is unusual as a descriptor. What is it supposed to mean? Clearly a conventional cylindrical roller meets the limitation. What, beyond such a roller, is contemplated is unclear to the Examiner. As well "means plus function," 35 U.S.C. 112, sixth paragraph, appears to be used. Is it applicants' intent to invoke 112, 6<sup>th</sup> paragraph or not. If so, please recite a function for each "means" recitation after the word "means" (e.g. means for flowing heat transfer medium into the interior of the roller).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the conceded prior art discussed on pages 2-4 of the specification in view of Bartholomew.

The discussion of the prior art on pages 2-4 of the specification shows that rollers in which the hoses rupture contribute oil to ensuing fire that is difficult to extinguish. Apparently it is known to use sprinklers to reduce the fire hazard. Nevertheless, oil in the roller continues to leak out for some time feeding the fire.

Bartholomew teaches in an art analogous to the one applicants are working in the use of multiple check valves (see Figure 3) in both the inlet and outlet conduits of an oil filled device (a tank) to prevent leakage from the tank when one or more of these conduits is ruptured. (col. 5, lines 11-13). Clearly such leaking fuel oil presents a significant fire hazard analogous to that identified by applicants.

One of ordinary skill aware of the dangers of leaking flammables would have looked into arts reasonably related to the problem seeking a solution. Namely one of ordinary skill would have had ample motivation to have looked at fuel tank systems and means to suppress leakage from them.

To prevent significant leakage such check valves as disclosed by Bartholomew would necessarily be installed in the roller as close to the potential rupture point (i.e. the joint between the roller and the fluid connector) as possible.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claims 1-5 above, and further in view of Spatafora.

Spatafora teaches locating cut-off valves in the journal area of the roller. See Figure 8 showing valve seal 66 cutting off flow in area 49 (see Fig 2, left side) and in Figure 9 valve seal 67 cutting off flow in area 48 (Figure 2, right side). To have located

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the check valves taught by Bartholomew in the journal area of the roller would have been obvious to one of ordinary skill in view of such a teaching by Spatafora.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to John Ford at telephone number 703-308-2636.



John Ford  
Primary Examiner  
Art Unit 3743

John K. Ford  
Primary Examiner

J. Ford/els

October 11, 2002